

instructions of the motion to recommit), to change the enactment date. **Page S8333**

Reid Amendment No. 5293 (to the instructions of the motion to recommit to the bill), of a perfecting nature. **Page S8333**

Reid Amendment No. 5294 (to Amendment No. 5293), of a perfecting nature. **Page S8333**

A unanimous-consent agreement was reached providing that the previous order with respect to a prohibition on motions to proceed remain in effect during the session of the Senate on Thursday, September 11, 2008. **Page S8333**

A unanimous-consent agreement was reached providing for further consideration of the bill at approximately 9:30 a.m., on Friday, September 12, 2008, and that the order with respect to a prohibition on motions to proceed remain in effect during the session of the Senate on Friday, September 12, 2008. **Page S8455**

Message from the President: Senate received the following message from the President of the United States:

Transmitting, pursuant to law, the proposed Agreement for Cooperation Between the Government of the United States of America and the Government of India Concerning Peaceful Uses of Nuclear Energy, received during adjournment of the Senate on September 10, 2008; which was referred to the Committee on Foreign Relations. (PM-63)

Pages S8372-73

Executive Reports of Committees: Senate received the following executive reports of a committee:

Report to accompany Treaty with Sweden on Mutual Legal Assistance in Criminal Matters (Treaty Doc. 107-12) and Mutual Legal Assistance Agreement with the European Union (Treaty Doc. 109-13) (Ex. Rept. 110-13);

Report to accompany Treaty with Malaysia on Mutual Legal Assistance (Treaty Doc. 109-22) (Ex. Rept. 110-14);

Report to accompany Protocol Amending 1980 Tax Convention with Canada (Treaty Doc. 110-15) (Ex. Rept. 110-15);

Report to accompany Tax Convention with Bulgaria with Proposed Protocol of Amendment (Treaty Doc. 110-18) (Ex. Rept. 110-16);

Report to accompany Tax Convention with Iceland (Treaty Doc. 110-17) (Ex. Rept. 110-17);

Report to accompany 1995 Revision of Radio Regulations (Treaty Doc. 108-28) (Ex. Rept. 110-18);

Report to accompany International Convention on Control of Harmful Anti-Fouling Systems on Ships, 2001 (Treaty Doc. 110-13) (Ex. Rept. 110-19);

Report to accompany Land-Based Sources Protocol to Cartagena Convention (Treaty Doc. 110-1) (Ex. Rept. 110-20);

Report to accompany 1996 Protocol to Convention on Prevention of Marine Pollution by Dumping of Wastes (Treaty Doc. 110-5) (Ex. Rept. 110-21);

Report to accompany CCW Protocol on Explosive Remnants of War (Treaty Doc. 109-10(C)) (Ex. Rept. 110-22); and

Report to accompany International Convention for Suppression of Acts of Nuclear Terrorism (Treaty Doc. 110-4) (Ex. Rept. 110-23). **Pages S8375-83**

Messages from the House: **Page S8373**

Measures Referred: **Page S8373**

Enrolled Bills Presented: **Page S8373**

Executive Communications: **Pages S8373-75**

Executive Reports of Committees: **Page S8375**

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Additional Statements: **Pages S8370-72**

Amendments Submitted: **Pages S8420-54**

Notices of Hearings/Meetings: **Page S8454**

Authorities for Committees to Meet: **Page S8454**

Privileges of the Floor: **Page S8454**

Adjournment: Senate convened at 10:30 a.m. and adjourned at 7 p.m., until 9:30 a.m. on Friday, September 12, 2008. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S8455.)

Committee Meetings

(Committees not listed did not meet)

BUSINESS MEETING

Committee on Energy and Natural Resources: Committee ordered favorably reported the following:

S. 390, to direct the exchange of certain land in Grand, San Juan, and Uintah Counties, Utah, with an amendment in the nature of a substitute;

S. 1477, to authorize the Secretary of the Interior to carry out the Jackson Gulch rehabilitation project in the State of Colorado, with an amendment in the nature of a substitute;

S. 1680, to provide for the inclusion of certain non-Federal land in the Izembek National Wildlife Refuge and the Alaska Peninsula National Wildlife Refuge in the State of Alaska, and for other purposes, with an amendment in the nature of a substitute;

S. 1756, to provide supplemental ex gratia compensation to the Republic of the Marshall Islands for impacts of the nuclear testing program of the United States, with an amendment in the nature of a substitute;

S. 1816, to authorize the Secretary of the Interior to establish a commemorative trail in connection with the Women's Rights National Historical Park to link properties that are historically and thematically associated with the struggle for women's suffrage, with an amendment in the nature of a substitute;

S. 2093, to amend the Wild and Scenic Rivers Act to designate a segment of the Missisquoi and Trout Rivers in the State of Vermont for study for potential addition to the National Wild and Scenic Rivers System, with an amendment in the nature of a substitute;

S. 2156, to authorize and facilitate the improvement of water management by the Bureau of Reclamation, to require the Secretary of the Interior and the Secretary of Energy to increase the acquisition and analysis of water-related data to assess the long-term availability of water resources for irrigation, hydroelectric power, municipal, and environmental uses, with an amendment in the nature of a substitute;

S. 2255, to amend the National Trails System Act to provide for studies of the Chisholm Trail and Great Western Trail to determine whether to add the trails to the National Trails System, and for other purposes, with an amendment;

S. 2354, to direct the Secretary of the Interior to convey 4 parcels of land from the Bureau of Land Management to the city of Twin Falls, Idaho, with amendments;

S. 2359, to establish the St. Augustine 450th Commemoration Commission, with an amendment in the nature of a substitute;

S. 2448, to amend the Surface Mining Control and Reclamation Act of 1977 to make certain technical corrections;

S. 2535, to revise the boundary of the Martin Van Buren National Historic Site, and for other purposes, with amendments;

S. 2561, to require the Secretary of the Interior to conduct a theme study to identify sites and resources to commemorate and interpret the Cold War;

S. 2779, to amend the Surface Mining Control and Reclamation Act of 1977 to clarify that uncertified States and Indian tribes have the authority to use certain payments for certain noncoal reclamation projects;

S. 2805, to direct the Secretary of the Interior, acting through the Commissioner of Reclamation, to assess the irrigation infrastructure of the Rio Grande

Pueblos in the State of New Mexico and provide grants to, and enter into cooperative agreements with, the Rio Grande Pueblos to repair, rehabilitate, or reconstruct existing infrastructure, with an amendment in the nature of a substitute;

S. 2842, to require the Secretary of the Interior to carry out annual inspections of canals, levees, tunnels, dikes, pumping plants, dams, and reservoirs under the jurisdiction of the Secretary, and for other purposes, with an amendment in the nature of a substitute;

S. 2875, to authorize the Secretary of the Interior to provide grants to designated States and tribes to carry out programs to reduce the risk of livestock loss due to predation by gray wolves and other predator species or to compensate landowners for livestock loss due to predation, with an amendment in the nature of a substitute;

S. 2943, to amend the National Trails System Act to designate the Pacific Northwest National Scenic Trail, with amendments;

S. 2974, to provide for the construction of the Arkansas Valley Conduit in the State of Colorado, with an amendment in the nature of a substitute;

S. 3010, to reauthorize the Route 66 Corridor Preservation Program;

S. 3011, to amend the Palo Alto Battlefield National Historic Site Act of 1991 to expand the boundaries of the historic site, with an amendment in the nature of a substitute;

S. 3017, to designate the Beaver Basin Wilderness at Pictured Rocks National Lakeshore in the State of Michigan, with an amendment in the nature of a substitute;

S. 3045, to establish the Kenai Mountains-Turnagain Arm National Forest Heritage Area in the State of Alaska, and for other purposes, with an amendment in the nature of a substitute;

S. 3051, to authorize the Secretary of the Interior to study the suitability and feasibility of designating the site of the Battle of Camden in South Carolina, as a unit of the National Park System, with an amendment in the nature of a substitute;

S. 3065, to establish the Dominguez-Escalante National Conservation Area and the Dominguez Canyon Wilderness Area, with an amendment in the nature of a substitute;

S. 3069, to designate certain land as wilderness in the State of California, and for other purposes, with an amendment in the nature of a substitute;

S. 3085, to require the Secretary of the Interior to establish a cooperative watershed management program, with an amendment in the nature of a substitute;

S. 3088, to designate certain land in the State of Oregon as wilderness, and for other purposes, with an amendment in the nature of a substitute;

S. 3089, to designate certain land in the State of Oregon as wilderness, to provide for the exchange of certain Federal land and non-Federal land, with an amendment in the nature of a substitute;

S. 3096, to amend the National Cave and Karst Research Institute Act of 1998 to authorize appropriations for the National Cave and Karst Research Institute;

S. 3158, to extend the authority for the Cape Cod National Seashore Advisory Commission, with an amendment;

S. 3179, to authorize the conveyance of certain public land in the State of New Mexico owned or leased by the Department of Energy, with an amendment;

S. 3189, to amend Public Law 106–392 to require the Administrator of the Western Area Power Administration and the Commissioner of Reclamation to maintain sufficient revenues in the Upper Colorado River Basin Fund, with an amendment in the nature of a substitute;

S. 3226, to rename the Abraham Lincoln Birthplace National Historic Site in the State of Kentucky as the Abraham Lincoln Birthplace National Historical Park, with an amendment;

H.R. 29, to authorize the Secretary of the Interior to construct facilities to provide water for irrigation, municipal, domestic, military, and other uses from the Santa Margarita River, California, and for other purposes, with an amendment in the nature of a substitute;

H.R. 31, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Elsinore Valley Municipal Water District Wildomar Service Area Recycled Water Distribution Facilities and Alberhill Wastewater Treatment and Reclamation Facility Projects;

H.R. 236, to authorize the Secretary of the Interior to create a Bureau of Reclamation partnership with the North Bay Water Reuse Authority and other regional partners to achieve objectives relating to water supply, water quality, and environmental restoration;

H.R. 813, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Prado Basin Natural Treatment System Project, to authorize the Secretary to carry out a program to assist agencies in projects to construct regional brine lines in California, to authorize the Secretary to participate in the Lower Chino Dairy Area desalination

demonstration and reclamation project, with an amendment in the nature of a substitute;

H.R. 816, to provide for the release of certain land from the Sunrise Mountain Instant Study Area in the State of Nevada and to grant a right-of-way across the released land for the construction and maintenance of a flood control project, with amendments;

H.R. 838, to provide for the conveyance of the Bureau of Land Management parcels known as the White Acre and Gambel Oak properties and related real property to Park City, Utah, and for other purposes, with an amendment;

H.R. 903, to provide for a study of options for protecting the open space characteristics of certain lands in and adjacent to the Arapaho and Roosevelt National Forests in Colorado, with an amendment in the nature of a substitute;

H.R. 1139, to authorize the Secretary of the Interior to plan, design and construct facilities to provide water for irrigation, municipal, domestic, and other uses from the Bunker Hill Groundwater Basin, Santa Ana River, California, with an amendment in the nature of a substitute;

H.R. 1737, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of permanent facilities for the GREAT project to reclaim, reuse, and treat impaired waters in the area of Oxnard, California;

H.R. 1803, to direct the Secretary of the Interior to conduct a feasibility study to design and construct a four reservoir intertie system for the purposes of improving the water storage opportunities, water supply reliability, and water yield of San Vicente, El Capitan, Murray, and Loveland Reservoirs in San Diego County, California in consultation and cooperation with the City of San Diego and the Sweetwater Authority;

H.R. 2246, to provide for the release of any reversionary interest of the United States in and to certain lands in Reno, Nevada;

H.R. 2614, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in certain water projects in California;

H.R. 2632, to establish the Sabinoso Wilderness Area in San Miguel County, New Mexico, with an amendment in the nature of a substitute;

H.R. 3022, to designate the John Krebs Wilderness in the State of California, to add certain land to the Sequoia-Kings Canyon National Park Wilderness, with an amendment;

H.R. 3323, to authorize the Secretary of the Interior to convey a water distribution system to the Goleta Water District;

H.R. 3473, to provide for a land exchange with the City of Bountiful, Utah, involving National Forest System land in the Wasatch-Cache National Forest and to further land ownership consolidation in that national forest, with an amendment in the nature of a substitute;

H.R. 3490, to transfer administrative jurisdiction of certain Federal lands from the Bureau of Land Management to the Bureau of Indian Affairs, to take such lands into trust for Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria, with amendments;

H.R. 3682, to designate certain Federal lands in Riverside County, California, as wilderness, to designate certain river segments in Riverside County as a wild, scenic, or recreational river, to adjust the boundary of the Santa Rosa and San Jacinto Mountains National Monument, with amendments; and

H.R. 5137, to ensure that hunting remains a purpose of the New River Gorge National River.

NOMINATIONS

Committee on Foreign Relations: Committee concluded a hearing to examine the nominations of Brian H. Hook, of Iowa, to be an Assistant Secretary of State (International Organization Affairs), who was introduced by Senator Grassley, Gregori Lebedev, of Virginia, to be Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations, during his tenure of service as Representative of the United States of America to the United Nations for U.N. Management and Reform, and to be Representative of the United States of America to the United Nations for U.N. Management and Reform, with the rank of Ambassador, who was introduced by former Senator Robb, and Matthew A. Reynolds, of Massachusetts, to be an Assistant Secretary of State (Legislative Affairs), who was introduced by Representative Dreier, after the nominees testified and answered questions in their own behalf.

DIVIDEND TAX ABUSE

Committee on Homeland Security and Governmental Affairs: Permanent Subcommittee on Investigations concluded a hearing to examine dividend tax abuse, focusing on ways that offshore entities avoid taxes on United States stock dividends, after receiving testimony from Douglas Shulman, Commissioner, Internal Revenue Service, Department of the Treasury; Reuven S. Avi-Yonah, University of Michigan Law School, Ann Arbor; Joseph Manogue, Maverick Capital, Limited, Dallas, Texas; and Gary I. Wolf, Angelo, Gordon, and Company, Richard Potapchuk,

Highbridge Capital Management LLC, John Derosa, Lehman Brothers Inc., Matt Berke, Morgan Stanley, and Andrea Leung, Deutsche Bank AG, all of New York, New York.

NOMINATIONS

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine the nominations of Carol Waller Pope, of the District of Columbia, who was introduced by Representative Norton, and Thomas M. Beck, of Virginia, both to be a Member of the Federal Labor Relations Authority, after the nominees testified and answered questions in their own behalf.

WATER BILLS

Committee on Indian Affairs: Committee concluded a hearing to examine S. 3128, to direct the Secretary of the Interior to provide a loan to the White Mountain Apache Tribe for use in planning, engineering, and designing a certain water system project, S. 3355, to authorize the Crow Tribe of Indians water rights settlement, and S. 3381, to authorize the Secretary of the Interior, acting through the Commissioner of Reclamation, to develop water infrastructure in the Rio Grande Basin, and to approve the settlement of the water rights claims of the Pueblos of Nambe, Pojoaque, San Ildefonso, Tesuque, and Taos, after receiving testimony from Senators Kyl and Bingaman; Kris Polly, Deputy Assistant Secretary for Water and Science, and Michael Bogert, Chairman of the Working Group on Indian Water Settlements, both of the Department of the Interior; Chris D. Tweeten, Montana Office of the Attorney General, Helena; Ronnie Lupe, White Mountain Apache Tribe, Whiteriver, Arizona; John F. Sullivan, Salt River Project, Phoenix, Arizona; Cedric Black Eagle, Crow Nation, Crow Agency, Montana; Charles J. Dorame, Northern Pueblos Tributary Water Rights Association, Albuquerque, New Mexico; and Gilbert Suazo, Sr., Taos Pueblo, Taos, New Mexico.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the following:

S. 2838, to amend chapter 1 of title 9 of United States Code with respect to arbitration;

S. 3136, to encourage the entry of felony warrants into the NCIC database by States and provide additional resources for extradition, with an amendment;

S. 1276, to establish a grant program to facilitate the creation of methamphetamine precursor electronic logbook systems, with an amendment;

S. 3197, to amend title 11, United States Code, to exempt for a limited period, from the application

of the means-test presumption of abuse under chapter 7, qualifying members of reserve components of the Armed Forces and members of the National Guard who, after September 11, 2001, are called to active duty or to perform a homeland defense activity for not less than 90 days, with an amendment;

S. 3325, to enhance remedies for violations of intellectual property laws, with amendments;

S. 3296, to extend the authority of the United States Supreme Court Police to protect court officials off the Supreme Court Grounds and change the title of the Administrative Assistant to the Chief Justice;

S. 2052, to allow for certiorari review of certain cases denied relief or review by the United States Court of Appeals for the Armed Forces;

H.R. 5235, to establish the Ronald Reagan Centennial Commission, with an amendment;

S. 3166, to amend the Immigration and Nationality Act to impose criminal penalties on individuals who assist aliens who have engaged in genocide, torture, or extrajudicial killings to enter the United States; and

The nominations of Jeffrey Leigh Sedgwick, of Massachusetts, to be an Assistant Attorney General, and J. Patrick Rowan, of Maryland, to be an Assistant Attorney General, both of the Department of Justice, and William B. Carr, Jr., of Pennsylvania, to be a Member of the United States Sentencing Commission.

BUSINESS START-UP HURDLES

Committee on Small Business and Entrepreneurship: Committee concluded a hearing to examine business start-up hurdles in underserved communities, focusing on access to venture capital and entrepreneurship

training, after receiving testimony from Marian Sabety, Wyndstorm Corporation, and Robert A. Rapoza, Robert A. Rapoza Associates, both of Washington, D.C.; Don T. O'Bannon, Dallas/Fort Worth International Airport Business Diversity and Development Department, DFW Airport, Texas, on behalf of the Airport Minority Advisory Council; Margaret Henningsen, Legacy Bank, Milwaukee, Wisconsin; Jon S. Wainwright, National Economic Research Associate, Austin, Texas; Thomas D. Boston, EuQuant, and Rodney K. Strong, Griffin and Strong, P.C., both of Atlanta, Georgia; and Donald T. Wilson, Association of Small Business Development Centers, Burke, Virginia.

AMERICAN LEGION

Committee on Veterans' Affairs: Committee concluded a joint hearing with the House Committee on Veterans Affairs to examine the legislative presentation of the American Legion, after receiving testimony from David K. Rehbein, American Legion, Washington, D.C.

MEDICARE BENEFICIARIES OUTREACH

Special Committee on Aging: Committee concluded a hearing to examine 1-800-MEDICARE Information (1-800-633-4227), after receiving testimony from Kerry Weems, Acting Administrator, Centers for Medicare and Medicaid Services, Department of Health and Human Services; Michealle Carpenter, Medicare Rights Center, Washington, D.C.; Tatiana Fassieux, California Health Advocates, Sacramento; John Hendrick, Coalition of Wisconsin Aging Groups, Madison; Mac Curtis, Vangent, Arlington, Virginia; and Naomi Sullivan, Chico, California.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced:— 19 public bills, H.R. 6869–6887; 1 private bill, H.R. 6888; and 9 resolutions, H. Con. Res. 410–412; and H. Res. 1425, 1427–1431 were introduced.

Pages H8048–49

Additional Cosponsors:

Pages H8049–50

Reports Filed: Reports were filed today as follows:

H.R. 6357, to amend the Public Health Service Act to promote the adoption of health information technology, with an amendment (H. Rept. 110–837, Pt. 1);

H.R. 6177, to amend the Wild and Scenic Rivers Act to modify the boundary of the Rio Grande Wild and Scenic River, with an amendment (H. Rept. 110–838);

H.R. 5853, to expand the boundary of the Minute Man National Historical Park in the Commonwealth of Massachusetts to include Barrett's Farm (H. Rept. 110–839);

H.R. 5335, to amend the National Trails System Act to provide for the inclusion of new trail segments, land components, and campgrounds associated with the Trail of Tears National Historic Trail, with an amendment (H. Rept. 110–840);